

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAFECO INSURANCE COMPANY OF
AMERICA,

Plaintiff,

v.

Case No. 08-CV-10545

O'HARA CORPORATION, O'HARA
CORPORATION PIPING, INC., ROSE
STREET INVESTMENTS, LLC and
SHAWN O'HARA,

Defendants.

/

OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

Pending before the court is Plaintiff Safeco Insurance Company of America's August 4, 2008 Motion to Compel. Defendants, who share counsel, have not responded. The court concludes that a hearing is not necessary. See E.D. Mich. LR 7.1(e)(2). It is apparent that Defendants have failed to timely respond to Plaintiff's June 17, 2008 interrogatories and request to produce documents. Fed. R. Civ. P. 33-34. Because of Defendants' silence, the court has no reason to doubt Plaintiff's representation that the discovery seeks relevant information that is not privileged. (Pl.'s Mot. at ¶ 4.) Further, Plaintiff followed the Eastern District of Michigan Local Rule 7.1(a) and sought but did not obtain concurrence from Defendants for Plaintiff's requested relief. (7/24/08 Letter, Pl.'s Ex. B.) Under the circumstances, and pursuant to Federal Rule of Civil Procedure 37, the court will order Defendants to respond to the discovery requests despite the passage of the August 22, 2008 date for the close of discovery.

(See 4/23/08 Scheduling Order.)¹ At this juncture, the court is not persuaded that Plaintiff should be awarded “the reasonable expenses of bringing this motion.” (*Id.*) Accordingly,

IT IS ORDERED that Plaintiff’s Motion to Compel [Dkt. # 15] is GRANTED.

Defendants shall respond to the June 17, 2008 discovery requests no later than **September 5, 2008.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 26, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 26, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹The court notes that Plaintiff’s concluding paragraph erroneously states that “Defendant . . . requests . . . compelling Plaintiff . . . ,” (Pl.’s Br. at 2), but it is nonetheless clear that Plaintiff is seeking relief against Defendants.